

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

BRIAN BUTLER,

Plaintiff,

vs.

RYDER TRUCK RENTAL, INC., *et al.*,

Defendants.

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Case No. 1:19-cv-876

OPINION & ORDER
[Resolving Doc. [5](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

This case concerns an automotive accident.¹ Plaintiff Brian Butler sued in Ohio state court, claiming he suffered property damages, towing and storage expenses, medical expenses, physical pain, mental anguish, emotional distress, and lost wages.²

Defendants Ryder Truck Rental, Inc. and David W. Dunn removed here under the Court's diversity jurisdiction.³ Butler now seeks to remand the case to state court.⁴

The Court has jurisdiction over suits between citizens of different states, where the amount in controversy exceeds \$75,000.⁵ Here, there is no dispute that the parties are citizens of different states, only whether the amount in controversy is met.⁶

When a case is removed from state court, the Court presumes the plaintiff's claimed damages are correct.⁷ However, where the plaintiff seeks indeterminate damages, the defendant may demonstrate by a preponderance of the evidence that the case is worth

¹ Doc. [1-1](#) ¶ 1.

² *E.g., id.* ¶ 3.

³ Doc. [1](#).

⁴ Doc. [5](#). Defendants oppose. Doc. [6](#).

⁵ 28 U.S.C. § 1332(a)(1).

⁶ Doc. [5](#) at 3 ("Plaintiff concedes that the first element, diversity, likely exists in the instant case.").

⁷ *Freeman v. Blue Ridge Paper Prod., Inc.*, 551 F.3d 405, 409 (6th Cir. 2008).

more than \$75,000.⁸

Here, Butler seeks “an amount exceeding” \$25,000 in compensatory damages and “an amount exceeding” \$25,000 in exemplary damages.⁹ Thus, the Court presumes the case is worth at least \$50,000. Defendants must show the remaining \$25,000.01.

They have done so by demonstrating that Plaintiff’s compensatory damages greatly exceed \$25,000. According to Defendants, discovery reveals \$47,694.32 in medical bills alone.¹⁰ That amount would not include Plaintiff’s lost wages, property damages, towing expenses, or pain and suffering. And, in the Court’s experience, these other damage categories are likely to exceed the \$2,305.69 needed to hit the statutory threshold.¹¹

Considering Plaintiff’s documented medical expenses, his requested punitive damages, and the likely value of his other claimed damages, the Court concludes the amount in controversy exceeds \$75,000. Thus, the Court **DENIES** Plaintiff’s motion to remand.

IT IS SO ORDERED.

Dated: April 29, 2019

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁸ *Halsey v. AGCO Corp.*, 755 F. App’x 524 (6th Cir. 2018); *Naji v. Lincoln*, 665 F. App’x 397, 400 (6th Cir. 2016).

⁹ Doc. 1-1 at 6.

¹⁰ Doc. 6 at 3.

¹¹ See *Halsey*, 755 F. App’x at 527–528.